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Practitioner's Docket No. U 014736-5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ming-Huang LAN, et al
Serial No.: 10/023,362 Group No.: 1761
Filed: December 14, 2001 Examiner:
For: INCUBATION METHOD FOR OBTAINING SOLID CULTURE OF ZANG ZHI, SOLID
CULTURE OBTAINED THEREFROM PROCESSED PRODUCTS AND USE THEREOF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. 1.97(d))

NOTE: 37 C.F.R. 1.97: "(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section [i.e., after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application], provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) The statement specified in paragraph (e) of this section; and
- (2) The fee set forth in § 1.17(p)."

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. 1.10*

☐ as "Express Mail Post Office to Addressee"
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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: November 12, 2003

CLIFFORD J. MASS
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: *If the information disclosure statement that contains the items required by 37 C.F.R. 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. 1.97(d).*

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

WARNING: *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

STATEMENT, PETITION AND FEE

2. In accordance with the requirements of 37 C.F.R. 1.97(d):
 - A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. 1.97(e).
 - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. 1.97(d)(2).
 - C. Applicant submits the petition fee set forth in § 1.17(p) (\$180.00).

NOTE: *"The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).*

FEE DUE

3. Petition fee due (§ 1.17(i)): \$180.00

METHOD OF PAYMENT OF FEE

4.
 - ☒ Attached is a check for \$180.00.
 - ☐ Charge Account _____ \$180.00.A duplicate of this petition is attached.

If any additional petition fees are due, please charge Account 12-0425.

Reg. No. 30,086

Tel. No. (212) 708-1890

Customer No.: 00140



SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ming-Huang LAN, et al

Serial No.: 10/023,362

Group No.: 1761

Filed: December 14, 2001

Examiner:

For: INCUBATION METHOD FOR OBTAINING SOLID CULTURE OF ZANG ZHI,
SOLID CULTURE OBTAINED THEREFROM PROCESSED PRODUCTS AND USE
THEREOF

Attorney Docket No.: U 014736-5

Commissioner for Patents

P.O. Box 1450

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INFORMATION DISCLOSURE STATEMENT

Applicants again call the Examiner's attention to the references listed on
attached PTO Form 1449. English translations of the references are not readily

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 12, 2003

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

***WARNING:**

*Each paper or fee filed by "Express Mail" must have the number of the "Express Mail"
mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label
thereon is an oversight that can be avoided by the exercise of reasonable care, requests for
waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed.
Reg. 56,439, at 56,442.*

available with the exception that the reference entitled "Studies on *Ganoderma*, *Letinus* and *Auricularia* Fungi" is provided with an English abstract. Concise explanations of the relevance of the other references follows next.

"Bag Log for Mushroom Cultivation and Management"

This citation states/lists the selection of cultural materials (such as sawdust, wheat and rice media, CaCO_3 and water) for culturing mushroom, and the control of incubation conditions (e.g., relative humidity, temperature and air condition) to obtain an optimal harvest of the mushrooms.

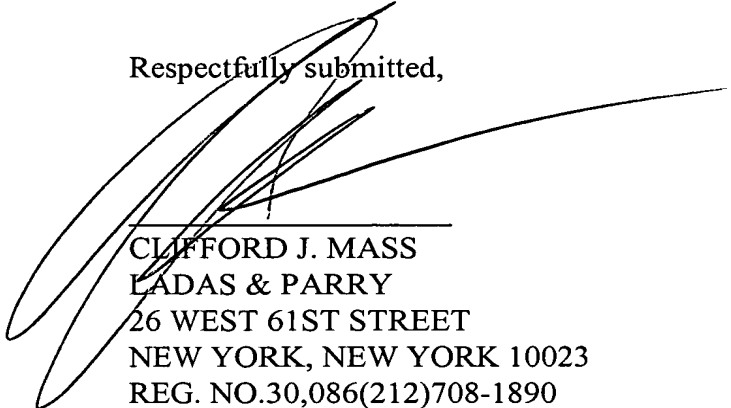
"Production and Manufacture of Mushroom Fungi"

This citation relates to the practical teachings for mushroom cultivators to select and prepare appropriate cultural media for culturing mushroom. Specifically, it describes the key points to select cultural media (e.g., synthetic medium, complex medium, basic medium, enriched medium, selective medium and differential medium) based on different purposes for achieving the desired effect.

The three (3) cited references describe "cultural conditions" and "culture media" that are pertinent to the cultural conditions and media used to produce the claimed solid fruiting body of *Antrodia camphorata*, including for example the selection of components for the culture media and conditions such as relative

humidity in a plastic bag for mycellium culture (see, e.g., "Studies on Ganoderma, Lentinus and Auricularia Fungi" which teaches providing a relative humidity of 60-80% and 70-90%). Nevertheless, the references do not teach or suggest all of the conditions and controls that are required to prepare the cultured *Antrodia camphorata* as claimed.. In particular, the references do not teach or suggest the maintenance of the recited medium at the recited temperature differences between day and night.

Respectfully submitted,



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FORM PTO-1449

U. S DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 014736-5

10/023,362

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT

Ming-Huang LAN, t al

FILING DATE

GROUP

December 14, 2001

1761

(Use several sheets if necessary)



REFERENCE DESIGNATION			U.S. PATENT DOCUMENTS		
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA				
	AB				
	AC				
	AD				
	AE				
	AF				
	AG				
	AH				
	AI				
	AJ				
	AK				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AL					
	AM					
	AN					
	AO					
	AP					

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	WANG, ZU-NAN, Studies on Ganoderma, Lentinus and Auricularia Fungi, Taiwan Sugar Research Institute, No. 130, December 1990, 10 pages
	AS	Bag Log for Mushroom Cultivation and Management, 6 pages, 1965
	AT	Production and Manufacture of Mushroom Fungi, 3 pages

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.